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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,141	04/20/2005	Koji Ieki	28915.5385	6202
<div>27890      7590      12/26/2007 STEPTOE &amp; JOHNSON LLP 1330 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036</div>				
			EXAMINER AGUSTIN, PETER VINCENT	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 12/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/532,141	IEKI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	P. Agustin	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

1. This application is a 371 of PCT/JP03/13535, filed October 23, 2003.
2. Claims 1 & 2 are currently pending.

#### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Drawings***

4. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Nishikawa et al. (US 6,342,978).

In regard to claim 1, the admitted prior art discloses an objective lens drive (Figure 3), comprising: an objective lens (31) for condensing a light beam on an optical disk, a driving coil (33) for driving the objective lens (31) in an optical axis direction, a direction perpendicular to the optical axis, and a tilting direction along a radius of the optical disk (page 1, lines 29-32), a movable part (31, 32, 33) including the driving coil (33) and a lens holder (32) for holding the objective lens (31), six substantially straight elastic support members (34) each having one end being fixed to the movable part (31, 32, 33), for elastically supporting the movable part (31, 32, 33), a fixing member (35) having six fixing portions (as shown) each for fixing the other end of each of the elastic support members (34) thereto, and a magnet (as shown) for generating driving force for the driving coil (33).

However, the admitted prior art does not disclose: in regard to claim 1, wherein the fixing member has lower stiffness in sections thereof respectively formed with two of the six fixing portions than sections thereof respectively formed with the other four fixing portions.

Nishikawa et al. disclose: in regard to claim 1, a fixing member (Figure 2, elements 10, 14 & 22) having lower stiffness in sections (14, 22) thereof respectively formed with two (21a & 21d) of six fixing portions (21a-21f) than sections thereof respectively formed with other four fixing portions (21b, 21c, 21e, 21f) (element 14 is a visco-elastic material (VEM) sheet attached for providing an additional vibration damping property, which therefore provides "lower stiffness").

It would have been obvious to one of ordinary skill in the art at the time of invention to have applied this teaching of Nishikawa et al. to the objective lens drive of the admitted prior art, the motivation being to ensure sufficient displacement in the focusing and tracking directions and also control an inclination of the lens holder (abstract, last three lines).

***Allowable Subject Matter***

8. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record alone or in combination fails to teach or suggest: in claim 2,

“wherein the fixing portions are formed in a low-stiffness member bonded with a reinforcing member, *the reinforcing member having a shape excluding the sections of the two fixing portions out of the six fixing portions*”.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sugaya (JP 2002-352456) discloses an optical head device having an objective lens holder supported with four wire springs fixed in a fixing block, and two wire springs which make free the end part on the side of the fixing block or the objective lens holder.

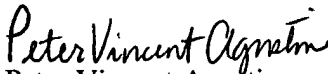
Takeshita et al. (US 7,168,082) disclose an invention wherein four of six linear elastic members are arranged on respective cylindrical surfaces, so that they keep almost same length when they are twisted in the tilting direction; thus, stress (bending force) generated in the other two linear elastic members in its longitudinal direction during tilt control can be decreased.

Akanuma (US 7,287,264) discloses an optical pickup which is set up so that rigidity of the tangential direction of an elastic board to which two of four wire springs arranged to the virtual side of another side are fixed may be made small.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to P. Agustin whose telephone number is 571-272-7567. The examiner can normally be reached on Monday-Thursday 8:30-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Peter Vincent Agustin  
Patent Examiner  
Art Unit 2627